



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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NOTICE OF PUBLIC MEETING/HEARING

THE STATE MINING AND GEOLOGY BOARD

Conducted a Regular Business Meeting on:

Thursday, April 28, 2016

1:00 P.M.

LOCATION:

**Assembly Hearing Room #444
State Capitol
Sacramento, California 95814**

AGENDA

For questions regarding this Agenda, please contact the SMGB office by telephone at (916) 322-1082, or by facsimile at (916) 445-0738. This Notice and associated staff reports can be accessed electronically at the SMGB's Internet web site at: <http://www.consrv.ca.gov/smgb/>.

I. Call to Order (Kracov)

II. Pledge of Allegiance

III. Roll Call and Declaration of a Quorum

The meeting was called to order at 1:25 p.m., with Member Noushkam and Member Mendez absent, and a quorum was declared. Member Mendez arrived at 2:20 p.m. and was noted as present.

IV. Review of the Agenda (Kracov)

V. Director's Report (Bunn, Department of Conservation) [Information]

Jason Marshall, Deputy Director, reported on the following:

- The Governor signed AB 1142 and SB 209, the most significant SMARA reform legislation since 1991 amendments.
- OMR will become the Division of Mine Reclamation, and Pat Perez will be Supervisor of Mine Reclamation; it will be a stand-alone program within the DOC.
- There will be an increase in mine fees, better quality reclamation plans, and greater oversight of inspections and financial assurances.
- There will be a more clear process for enforcement, and the Board will have an option for progressive discipline for Lead Agencies.

Member Anderson thanked the Department for all its work on getting this legislation through in a timely manner.

• State Geologist's Report (Parrish) [Information]

Dr. John Parrish, State Geologist, reported on the following:

- CGS will be very busy continuing through the next quarter. To meet the demands, they have hired four new Engineering Geologists, two in the Sacramento office, one in Menlo Park, and one in Los Angeles. They are also in the process of hiring two new Senior Engineering Geologists, one for the minerals program, and one for the forestry and watershed program.
- A production prototype of the Earthquake Early Warning System will be completed by the end of April in Los Angeles and San Francisco; those will be in a testing phase for another year and a half. They expect to have the statewide system built out by 2018.
- May 4-6 is the National Earthquake Conference in Long Beach. CGS will be giving a presentation on the California Earthquake Clearing House, which has been set up as a national model by FEMA as to how states should set up clearing houses for emergency services. The other presentation is of the Tsunami Playbook, which is tailored to specific geographies of each coastal city and community. When a tsunami is threatening, the communities can look in the playbook and know what actions to take.
- On May 11 CGS is conducting a joint field operation with USGS on field reconnaissance using all types of digital equipment. The purpose is that any program or machine can be used to transmit data regardless of the type of programming subscribed to.



- The Strong Motion Implementation System has prepared technical specification letters detailing design documents for the Strong Motion Systems being installed in four high rise buildings in Los Angeles, one high rise in San Diego and the Encino Hospital. The design documents will be given to the builders who will build in the systems.

Chair Kracov asked for an update on when CGS would begin looking at SB 42; Dr. Parrish stated that they will be forming a Technical Advisory Committee, for which the Seismic Safety Committee has indicated it will provide financial support. The TAC is expected to begin around July and should be complete by the end of the year, with a draft ready to present to the Board.

Chair Kracov also inquired about the release of any preliminary A-P maps in the near term; Dr. Parrish stated that they are delaying the release of the suite of hazard maps until fall, due to additional information becoming available.

- Office of Mine Reclamation Report (Perez) [Information]

Pat Perez, Director of OMR, reported on the following:

- Much of OMR's focus over the last few weeks has been on the 2016 SMARA reform; a comprehensive road map and schedule of implementing the new legislation will be provided at the next meeting.
- An update on the Abandoned Mines Program will be provided at the June meeting.
- OMR is in the final stage of testing the pilot program to file Annual Reports electronically, and expect to go live with it on Monday.
- OMR is celebrating its 25th Anniversary this year. On May 18, they will have a booth on the grounds of the Capitol as part of State Scientists day, as well as a reception in the lobby of DOC headquarters.

VI. Chairman's Report (Kracov) [Information]

- Chair Kracov gave a brief update on the status of the A-P TAC report.

VII. Senior Engineering Geologist's Report (Arcand) [Information]

Will Arcand, Senior Engineering Geologist, reported on the following:

- Summary of updates to regular business information report and Lead Agency information report.
- Coordinating with OMR and DOC staff regarding new SMARA legislation and regulatory changes.
- Upcoming items of importance include a Low Gross Exemption appeal from Rancho San Simeon, as well as the Temescal Valley designation rulemaking.
- There are three enforcement actions to be addressed, one Order to Comply in Yuba County, and two Notices of Violation for financial assurance issues.

Chair Kracov asked whether there was an update on the CEQA contract; Mr. Arcand stated that the project shifted gears and the CEQA contract was put on hold.

VIII. Ex-Parte Communication Disclosure [Information]

[SMGB Members will identify any discussions they may have had requiring disclosure pursuant to Public Resources Code Sections 663.1 and 663.2.]

No Ex-Parte Communications.



IX. Public Comment Period [Information]

[This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak should do so at this time. All persons wishing to address the SMGB should fill out a speaker card and present it to the Secretary so that the Chair can determine the number of persons who wish to speak. Speakers are limited to three minutes except by special consent of the Chairman.]

- Robert Tepel and Julian Isham, former SMGB members and members of the A-P TAC provided a summary of, and update on, the progress of the final A-P TAC report, and requested additional time to complete the report.

Chair Kracov read the portion of the minutes from the previous meeting pertaining to the Board's decision regarding the due date of the final report and the dissolution of the TAC.

X. Consent Items [Action]

[All the items appearing under this section will be acted upon by the SMGB by one motion and without discussion; however, any SMGB member wishing to discuss a particular item may request the Chairman to remove the item from the Consent Calendar and consider it separately under Continued Business or New Business.]

1. Approval of Minutes, March 10, 2016 Regular Business Meeting.

Vice Chair Potter moved to approve the minutes with the change noted by Member Anderson.

2. Acceptance of Inspection Reports as Performed and Completed Pursuant to Public Resources Code Section 2774(b) for the following Surface Mining Operations:

- Richmond (Chevron) Quarry (CA Mine ID #91-07-0006), City of Richmond.
- Avalon Mine (CA Mine ID #91-33-0002), City of Jurupa Valley.
- Philadelphia Recycling Mine (CA Mine ID #91-33-0029), City of Jurupa Valley
- Pyrite Quarry (CA Mine ID #91-33-0062), City of Jurupa Valley.
- Garnet Pit (CA Mine ID #91-33-0031), City of Palm Springs.
- Alcatraz/SLC 709.1 (CA Mine ID #91-38-0001), San Francisco BCDC.
- Pt. Knox Shoal/SLC 2036.1 (CA Mine ID #91-38-0002), San Francisco BCDC.
- Pt. Knox South/SLC 7779.1 (CA Mine ID #91-38-0003), San Francisco BCDC.
- Alcatraz South/SLC 7780.1 (CA Mine ID #91-38-0004), San Francisco BCDC.
- Suisun Bay/SLC 7781.1 (CA Mine ID #91-38-0005), San Francisco BCDC.
- Suisun Bay Middleground/TLS 39 (CA Mine ID #91-38-0007), San Francisco BCDC.
- Marine Oyster Shell Mining/SLC 5534.1 (CA Mine ID #91-38-0011), San Francisco BCDC.
- Cal Sierra Development (CA Mine ID #91-58-0003), County of Yuba.

Inspection reports were approved on consent.

XI. Continued Business [Action]

[These business items have been continued from a previous meeting/hearing.]

No Continued Business.



XII. New Business [Action]

3. Consideration of Initiation of Rulemaking Process for Proposed Revision to California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Article 8, Section 3698 – Fees Calculation.

Mr. Arcand explained the current fees calculation regulation, and the need to update it in light of the new legislation. Of the two formulas used to determine annual fees, it was discovered that one has a flaw which would not allow fees to be reduced. The rulemaking would remove this formula and ensure consistency with the new legislation to preserve equity between small and large mine operators.

Member Lane moved to direct staff to work with the Department to initiate the rulemaking process. Member Mendez seconded and the motion carried with Member Anderson recusing himself.

4. Review and Establishment of the State Mining and Geology Board's Standing Committees.

The following adjustments were made by Chair Kracov to the standing committees:

- Member Noushkam has been appointed to the Mineral Conservation and Reclamation Committee.
- Member Potter has been appointed Chair of the Geohazards Committee, with Member Landregan as Vice Chair.
- Member Landregan has been appointed to replace Member Kenline on the SMGB Executive Officer Special Screening Committee.

XIII. Special Reports and Department Presentations [Possible Action]

[Based on these Reports, the Chair may instruct SMGB staff to initiate administrative actions.]

No special reports or Department presentations.

XIV. SMGB Committee Reports [Information and Action]

- Geohazards Committee (Chairperson Potter)
- Vice Chair Potter restated the May 15 deadline for the final A-P TAC report.
- Minerals Conservation and Reclamation Committee (Chairperson Kenline)
 - Board Policy and Administration Committee (Chairperson Mendez)
 - Board Lead Agency Standards Committee (Chairperson Noushkam)
 - Executive Officer Special Screening Committee (Chairperson Potter)

Chair Potter stated that the Committee interviewed three candidates, and one would be returning for an interview before the full board.

XV. New Business [Information]

[This item is provided as an opportunity for any SMGB member to bring any item of new business to the SMGB's attention for further discussion and further action.]



XVI. Executive Session (Closed to the Public) [Action]

[The SMGB will discuss information from its legal counsel on personnel matters and pending litigation and may take appropriate actions based on this information. This session is being held under Government Code, Section 11126.] Items to be discussed:

- i. Personnel Matters:
 1. Consideration and Possible Action Regarding Executive Officer Search and Hiring
- ii. Pending Litigation to which the SMGB, or its officials, are a party:
 1. Dutra Materials vs. SMGB, Chevron Products Company Real Party in Interest, Case No. N10-0388, Contra Costa Superior Court.
 2. A. Teichert and Sons, Inc. v. SMGB, Western Aggregates, LLC. Real Party in Interest, Case No. 34-2010-80000528, Sacramento County Superior Court.
 3. William Calvert, Elfriede Calvert and the Yuba Goldfields Access Coalition v. SMGB, Western Aggregates, LLC. Real Party in Interest, Case No. 34-2010-80000530, Sacramento County Superior Court.
 4. Joe & Yvette Hardesty v. SMGB, & DOES 1-100 Inclusive, Case No. 34-2010-80000594, Sacramento County Superior Court.
 5. A. Teichert & Son, Inc. v. California State Mining and Geology Board, no. 34-80000528 and Calvert, et al. v. California State Mining and Geology Board, no. 34-2010-80000530.
 6. Daniel Tankersley v. Will Arcand, et al., Case No. 2:15-CV-01278-TLN-CMK.
 7. Joseph Hardesty, et al v. Sac Met Air Qual Mgmt District, et al (Bivens); United States District Court, Eastern District of California, Case No. 2:10cv-02414-KJMKJN
 8. In addition, the SMGB may consider litigation matters which fall under Government Code Sections 11126(e)(2)(B) and 11126(e)(2)(C).

Re-open Regular Business Session, Announce Results of Executive Session

Deputy Attorney General Chris Tiedemann announced that the Board met in Executive Session and no action was taken.

XVII. Announcements of Future Meetings

June 9 was announced as the date of the next meeting with Sacramento as the location.

XVIII. Adjournment

The meeting adjourned at 4:55 p.m.



APPROVED



Gideon Kracov, Chairman



Jeffrey Schmidt, Executive Officer



